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PATENT COOPERATION TREATY

PCT

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  RM/X89259/PC	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.  PCT/IT99/00070	International filing date ( <i>day/month/year</i> )  24/03/1999	Priority date ( <i>day/month/year</i> )  27/03/1998	
International Patent Classification (IPC) or national classification and IPC  A61F6/00			
Applicant  DI CAMILLO, Lorenzo et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input checked="" type="checkbox"/> Certain observations on the international application</li> </ul>			

Date of submission of the demand	Date of completion of this report
26/10/1999	31.01.2000
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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IT99/00070

## I. Basis of the report

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

**Description, pages:**

1-8 as originally filed

**Claims. No.:**

1-12 as amended under Article 19

### **Drawings, sheets:**

1/6-6/6 as originally filed

2. The amendments have resulted in the cancellation of:

the description, pages:

☒ the claims. Nos.: 13-16

the drawings. sheets:

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c));

4. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)                    Yes: Claims 1-12  
                                  No: Claims

Inventive step (IS)           Yes: Claims 1-12  
                                  No: Claims

Industrial applicability (IA) Yes: Claims 1-12  
                                  No: Claims

**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

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**Section V.**

For the clarity (Article 6 PCT) of claims 1 and 10, see Section VIII below.

1. A device for facilitating insertion of a male member into a condom according to the preamble of claim 1 is disclosed in documents NL-A-9 100 675 (see figures 4 and 5), DE-A-4 241 441 (see figures 5 and 6) and GB-A-2 290 972 (see figures 7 and 8).
  - 1.1 The subject-matter of claim 1 differs therefrom in that the device comprises a cylindrical element having a bearing plane.  
That element with a bearing plane allows for squashing of the condom such that the risk of damage during its inflation is reduced.
  - 1.2 Such a bearing plane is not derivable from any of the available prior art documents.
  - 1.3 Dependent claims 2-9 define preferred embodiments of the device of claim 1.
2. The method of using the device as defined in claim 10 is also not derivable from any of the available prior art documents.
  - 2.1 Dependent claims 11-12 define preferred embodiments of the method of claim 10.
  3. Claims 1-12 thus appear to fulfil the requirements of Article 33(2)-(4) PCT.

**Section VII.**

1. The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT.
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents NL-A-9 100 675, DE-A-4 241 441 and GB-A-2 290 972 are not mentioned in the description, nor are these documents identified therein.

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**Section VIII.**

1. Claim 1 refers to "a bearing element (10)". This is not clear and consistent with "a bearing plane (11)" as defined in claim 10 and with the description page 6, lines 22-25.

The opinion under Section V above has been drafted on the assumption that the following passages:

- "a bearing element (10)" of claim 1; and
- "a bearing plane (11)" of claim 10

both were amended to:

"a cylindrical element (10) having a bearing plane (11)" as disclosed on page 6.

## AMENDED CLAIMS

[received by the International Bureau on 1 September 1999 (01.09.99);  
original claims 1, 4-16 replaced by new claims 1, 4-12;  
remaining claims unchanged (3 pages)]

1. A device for the facilitated insertion of the male member into a condom (4), comprising:

5 - a hollow element (1) for containing the condom (4), provided with an access aperture;

10 - means (2; 14) for fastening a brim of the condom (4) to the access aperture of the hollow element (1), in order to form an air chamber (5) between external walls of the condom (4) and internal walls of the hollow element (1); and

15 - means, associated with said hollow element (1), for creating a depression inside said air chamber (5) forcing adhesion of the condom (4) to the internal walls of the hollow element (1) and allowing the subsequent facilitated insertion of the male member,

the hollow element (1) being provided with mobile walls (6), said depression resulting from the increased volume of the hollow element (1),

20 the device being characterised in that it further comprises

25 - a bearing element (10) located inside the hollow element (1) for bearing a base (12) of the condom (4).

30 2. The device according to claim 1, characterized in that said means for creating a depression comprises a suction duct (3) provided with a non-return valve.

35 3. The device according to claim 1, characterized in that said means for creating a depression comprises a suction duct with flexible walls, the duct being apt to be closed by throttling.

4. The device according to any of the preceding claims, characterized in that said mobile walls (6) are articulated in a telescopic relation therebetween.

35 5. The device according to any of the preceding claims, characterized in that the elevation of the bearing element (10) inside the hollow element (1) is adjustable.

6. The device according to any of the preceding claims, characterized in that it comprises means for avoiding contact between the external walls of the condom (4) and the internal walls of the hollow element (1).

5 7. The device according to claim 6, characterized in that said means for avoiding contact are removable.

8. The device according to any of the preceding claims, characterized in that said means (2) for fastening a brim of the condom (4) to the access aperture of the hollow element (1) are integrally formed therewith.

10 9. The device according to any of the preceding claims, characterized in that it comprises means for re-establishing, after said insertion, the internal pressure existing before the depression.

15 10. A method for the facilitated insertion of the male member into a condom (4), comprising the steps of:

16 - inserting the condom (4) into a hollow element (1) so as to form an air chamber (5) between external walls of the condom (4) and internal walls of the hollow element (1);

20 - creating a depression in said air chamber (5), forcing adhesion of the condom to the internal walls of the hollow element (1), said depression being obtained by increasing the volume of the hollow element (1);

25 - inserting the male member inside the internal area of the condom (4); and

30 - removing the condom (4) from the hollow element (1), in order for said condom (4) to completely adhere to the male member,

characterised in that it further comprises the step of

35 - providing a bearing plane (11) for a base (12) of the condom (4) before said step of creating a depression.

11. The method according to claim 10, characterized in that said depression is obtained by suction of the air contained inside said hollow element (1).

12. The method according to claim 10 or 11,

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characterized in that it furthermore comprises a step for re-establishing, after the removal of the condom (4) from the hollow element (1), the internal pressure existing before the depression.

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